

SPECIAL CIVIL APPLICATION NO.12016 OF 1994.

Coram:-N.N. MATHUR, J.

(11-10-1995)

Oral Order:-

By way of this petition, the petitioner sought directions to declare the result of F.Y.B.Com. Examination 1993-94 for which he had appeared with Roll No.4481.

Though there is no prayer with respect to quashing of penalty and the petition has not been accordingly amended I proceed with on the basis that the petitioner seeks to challenge the order of penalty imposed upon her, as the parties have contested the matter as if penalty imposed is under challenge.

The petitioner was student of C.U. Shah Commerce College, Ahmedabad. She had appeared at F.Y.b.Com. Examination for the year 1993-94. The petitioner was called upon to appear before the respondent no.1 on 25-8-1994 to explain conduct for adopting unfair means in the examination. The petitioner appeared before the Committee on the adjourned date on 25-8-1994. The petitioner submitted a written reply stating that her Answer-books of Statistics subject was forcibly taken away by the Supervisor. She also states that similarly answer-books of other students were also snatched and all of them were threatened that they will have to face penalty. No further details are given by the petitioner. However, it appears from the reply filed by the University that the chit containing writing was found from the petitioner's answer-books and therefore a show-cause notice was served upon the petitioner vide exh.A. The petitioner was asked to appear before the Committee consisting the members of the Executive Council. The Committee considered the reply and material like answer-books and the chit and recommended for cancellation of F.Y.B.Com. Examination for the year 1993-94 and also debarred her from appearing at one University Examination. The said recommendation was considered by the Executive Council. The Vice Chancellor directed to place the same before the Unfairmeans Committee on 14-10-1994. The petitioner was given opportunity to appear on that date before the Committee. The Committee having examined the entire material did not consider it fit to review its earlier decision.

The answer-books and chit have been produced

before me. I have compared the hand writing on chit as well as answer-books and in my opinion they are in the same handwriting. From the reply it clearly appears that the petitioner was given full opportunity to defend his case.

Considering the facts of the case, I do not find any substance in this Special Civil Application and the same is rejected. Notice discharged.

Date:11-10-1995. (N.N. MATHUR, J.)